

## REMARKS

The Office Action dated March 4, 2009 has been fully considered by Applicant.

Enclosed is a Request for Continued Examination, a Petition to Request a One-Month Extension of Time, and a check in payment of the government fees.

Applicant's invention addresses the problem created when electronic program guide data and video clips are transmitted together. Since the size of the video clip is much larger than the program guide data, the number of days available for viewing guide data is limited.

On Page 2 of the Office Action, Examiner Shephard takes the position that there is no evidence in Col. 9, lines 44-46 in the '112 Barrett patent to back up Applicant's claim that the Barrett patent teaches by implication that the electronic program guide and video clips are transmitted together. Col. 9, lines 44-46 reads: "As another example, the electronic programming guide could be enhanced to provide video clips or previews for various shows."

In addition, Col. 9, line 66 to Col. 10, lines 1-6 has been previously cited by Applicant as additional support that Barrett patent teaches that the electronic program guide and video clips are transmitted together. This citation reads:

If video content is to be downloaded and stored, it may be possible to insert sections of actual video content into the digital data stream. Such video segments could then be directly digitized and stored at the client terminals. This would avoid the step of reconstructing a video signal from digital data that is downloaded over a video channel.

However, Examiner Shephard argues that:

This portion only states that it may be possible to insert sections of actual video content into the digital data stream. As is its an alternative scenario and doesn't explicitly prove the applicant right, the examiner disagrees with the applicant's interpretation.

Examiner Shephard further states on Page 3:

Page, 7, paragraph beginning with “The Barrett: The applicant once again argues that the reference downloads the EPG and the preview data simultaneously, but provides no explicit proof. Therefore the argument is moot.

Applicant believes that the ambiguity found in the Barrett ‘112 patent regarding whether the EPG and video clips are transmitted together can be easily clarified by referring to the Barrett parent Patent No. 6,874,161, which the ‘112 Barrett patent claims priority to and incorporates by reference thereto. Col. 7, lines 4 and 5 of the ‘161 Barrett patent states:

According to one embodiment, data is inserted into a video signal prior to transmission to a television studio.

and at lines 20-23:

Thus, according to one embodiment of the present invention, as illustrated in Fig 3B, data is inserted into a video signal prior to transmitting the signal to a television studio. The originator of the video signal according to this embodiment thus has complete control over the insertion of the data into the video signal. The originator of the video does not have to create or maintain a special relationship with the television studio in order to insert data into its video signals.

Applicant sincerely believes that the above disclosure is proof that the EPG and video clips are transmitted together and that, therefore, the Barrett ‘112 patent does not teach or suggest that the video and/or audio data to be stored is transmitted to the broadcast data receiver in a single transport stream and downloaded separately from the auxiliary data, as in Applicant’s invention.

Additionally, even assuming that the Examiner’s position is correct—that Barrett only teaches it is possible to insert video content—it would confirm that Barrett doesn’t even recognize the problem to be solved by the present invention.

Clearly, Applicant's invention is not taught or suggested in the cited references, taken alone or in combination and therefore Applicant respectfully requests reconsideration of the rejection.

Further, Applicant's invention addresses the problem presented by the combination of Lawler and Barrett et al, in that as the guide data and video clip data are transmitted together, but the size of the video clip data is much larger than the guide data, the number of days available for viewing guide data in the EPG is limited by the number of video clips for those days that can be stored on the hard drive. Thus, where hard drive space is restricted, the number of days or program information available in the EPG may be limited. Applicant's claimed invention allows the video clip data to be downloaded separately from the guide data such that the EPG may contain details of programs for more days than the video clip data is available for.

On Pages 2-3 of the Office Action, Examiner Shephard indicates that because the station control 20 of the Lawler patent includes a memory 68, video could be stored in the memory. However, there is no explicit disclosure of video being stored locally in this way or at all. The implication from Col. 6, lines 2-4 and 54-64 is that the memory would not be large enough to store video clips as it only contains program schedule information and/or preview media information, i.e., a relatively small amount of data. Indeed, the specification explicitly states that the video is transmitted remotely for display to the viewer (Col. 7, lines 1-5) and is therefore not stored locally.

The Examiner appears to suggest on Page 3 of the Office Action that explicit proof is required to back up Applicant's arguments, yet fails to provide any proof to reinforce his counterarguments which are based on implications that go against the reading of the specification.

Claims 1-4, 10 and 11 rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 6,868,551 to Lawler et al in view of United States Patent No. 6,412,112 to Barrett et al. In view of United States Patent No. 6,453,471 to Klosterman are traversed herein.

Applicant believes independent claim 1, along with dependent claims 2-4 and 9-11, is patentable over the cited references and respectfully requests reconsideration of the rejection.

Claim 9 rejected under 35 USC 103(a) as being unpatentable over Lawler in view of Barrett and Klosterman and further in view of Ludwig is traversed herein.

Claim 9 depends upon independent claim 1 and Applicant believes that it is patentable over the cited references for the same reasons as stated above.

Applicant is grateful for the thorough examination of the application by Examiner Shepard and believes the application is now in condition for allowance and such action is earnestly solicited.

If any further issues remain, a telephone conference with the Examiner is requested. If any further fees are associated with this action, please charge Deposit Account No. 08-1500.

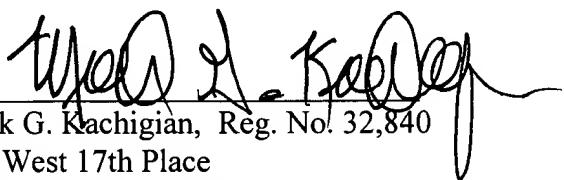
Respectfully Submitted

HEAD, JOHNSON & KACHIGIAN

Dated:

1 July 2009

BY:

  
Mark G. Kachigian, Reg. No. 32,840

228 West 17th Place

Tulsa, Oklahoma 74119

(918) 584-4187

Attorneys for Applicant